

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TONY L. HART,

Plaintiff,

v.

LAS VEGAS METRO POLICE, et al.,

Defendants.

Case No.: 2:21-cv-01247-CDS-DJA

Order Adopting Report and  
Recommendation of the Magistrate Judge

[ECF No. 19]

On May 9, 2022, United States Magistrate Judge Daniel J. Albregts issued a Report and Recommendation (“R&R”) recommending that I dismiss this action with prejudice. ECF No. 19. Magistrate Judge Albregts previously issued a screening order (“screening order”) advising Plaintiff he needed to file an amended complaint curing identified deficiencies in the pleading. See ECF No. 13. The screening order also denied Plaintiff’s application to participate in an unidentified pro bono program. *Id.* at 5-6. Plaintiff was advised that failure to file an amended complaint would result in a recommendation that this complaint be dismissed with prejudice. *Id.* at 6.

On February 16, 2022, Plaintiff filed a second amended complaint (“SAC”) (ECF No. 16) which Magistrate Judge Albregts subsequently screened. On May 9, 2022, the Magistrate Judge issued an R&R regarding the SAC, recommending I dismiss this action for Plaintiff’s failure to cure the previously identified deficiencies in the original complaint and for failing to state any claim upon which relief can be granted. *See generally* ECF No. 19.

1                   Discussion

2         “[N]o review is required of a magistrate judge’s report and recommendation unless  
 3 objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas*  
 4 *v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).  
 5 Here, Plaintiff did not object to the R&R. It is possible that Plaintiff did not receive a copy of the  
 6 R&R because during the pendency of this action, Plaintiff’s mail has been repeatedly returned  
 7 undeliverable. *See* ECF Nos. 14, 15, 18. Plaintiff’s failure to maintain his address is a violation of  
 8 Local Rule IA 3-1, which requires that a pro se party must file with the court written notification  
 9 of any change of mailing address, email address, or telephone number. LR IA 3-1. Failure to  
 10 comply with LR IA 3-1 may result in the dismissal of the action, entry of default judgment, or  
 11 other sanctions as deemed appropriate by the court. *Id.*

12         While *de novo* review is not required because Plaintiff failed to file objections, I  
 13 nevertheless conducted a *de novo* review of the issues set forth in the report and  
 14 recommendation. 28 U.S.C. § 636(b)(1). Judge Albregts set forth the proper legal analysis and  
 15 factual basis in the R&R (ECF No. 19) and in the screening order which identified the  
 16 deficiencies in Plaintiff’s original complaint. The SAC does not cure those deficiencies. Rather, it  
 17 is a two-page document seeking over 2 million dollars in compensation that fails to meet the  
 18 pleading requirements set forth in Federal Rule of Civil Procedure 8(a)(2). That rule requires  
 19 that a plaintiff plead “a short and plain statement of the claim showing that the pleader is  
 20 entitled to relief,” in order to “give the defendant fair notice of what the ... claim is and the  
 21 grounds upon which it rests.” Fed. R. Civ. Pro. 8(a)(2). Plaintiff’s amended complaint fails to  
 22 meet the requirements set forth in Rule 8(a)(2).

23         Accordingly, I adopt the R&R and dismiss this action. I also dismiss this action for  
 24 Plaintiff’s failure to maintain his address in violation of LR IA 3-1.

1 Conclusion

2 For the reasons set forth in the Order,

3 IT IS THEREFORE ORDERED that the Magistrate Judge Albregts Report and

4 Recommendation [ECF No. 19] is ADOPTED in its entirety.

5 IT IS FURTHER ORDERED that the Plaintiff's Complaint is STRICKEN and this case is

6 DISMISSED WITH PREJUDICE.

7 The Clerk of Court is directed to close the case.

8  
9 DATED this 1st day of June, 2022.

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11   
Cristina D. Silva  
United States District Court Judge